

10-11-2020
Prabir/Subha
Item no.15
Bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 9013 of 2020
Sharad Gupta @ Swarup Gupta
-vs-
The State of West Bengal
(Via video-conference)

In Re: An application for bail under Section 439 CrPC in connection with Golabari P.S. Case No.515 of 2018 dated September 1, 2018 under sections 370(2)/376D/341/120B of the Indian Penal Code(Spl. T.R No.119/2018).

Mr. Kallol Mondal	
Mr. Krishan Ray	
Ms. Amrita Chel	
Mr. Souvik Das	
Mr. Anamitra Banerjee	...for petitioner.
Mr. S. S. Imam	
Mr. Subrato Roy	... for State.

Advocate-on-record for petitioner undertakes to affirm and properly stamp the petition as per rules within one week of resumption of normal functioning of Court. The petition is taken up through video-conference on the basis of such undertaking.

Learned advocate for petitioner draws attention to order dated 21st October, 2020 passed by a co-ordinate Bench of this court in granting bail to a co-accused. Present petitioner stands on same footing. Therefore, bail should be granted.

Learned advocate appearing on behalf of State opposes prayer for bail and submits that section 164 statement of the victim girl carries name of petitioner. Co-accused who got bail had not been named by the victim in her statement. Thus, there is no similarity between petitioner and said co-accused.

It appears from order dated 21st October, 2020 that victim has been examined in trial. As such separate emphasis or interpretation of section 164 Cr.P.C statement cannot be made

against petitioner. Petitioner appears to be in same footing as the co-accused released on bail. In pandemic situation continuing, conclusion of trial as may not happen in recent future.

Considering the circumstances as above, we are inclined to grant bail to the petitioner.

Accordingly, we direct that petitioner shall be released on bail upon furnishing a bond of Rs.50,000/- (Rupees fifty thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah, subject to condition that during bail he shall appear before the learned trial court regularly and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that he shall not leave the jurisdiction of Golabari P. S. until further orders and shall provide the address where he shall presently reside to the Investigating Agency as well as to the Court below and shall meet Officer-in-charge of Golabari Police Station once in a week until further orders.

In event petitioner fails to comply with the conditions it will be open to the trial Court to cancel bail without any further reference to this Court.

The application for bail, being CRM No. 9013 of 2020, is disposed of.

[Arindam Sinha, J.]

[Md. Nizamuddin, J]

